

Melinda Bouldin

From: Kathryn Mink
Sent: Friday, November 30, 2012 10:41 AM
To: Alex Santos; Bill Bookout; [REDACTED]; Boone Seal; Brent Olmstead ([REDACTED]); Bryan Guinn; Carli Mann; Colleen Benson; David Fairfield (NGFA); David Smoot; Del Peterson; Donald Wille; Doug Ramsey; Douglas Jones; Dr. Phil Brown; [REDACTED]; Ekedahl, Duane; Elizabeth Criner; Jan Campbell (LOL); Jayson Ronk; Jim Rooney; JoAnn Goodwin; Joy Kinyon; Julie Johnston; KA Suedmeyer; Kenneth R McClure; Kirk Bowman ([REDACTED]); [REDACTED]; LaMar Clements; Leah Wilkinson ([REDACTED]); Leon Martineau (WSI); Leslie Lawrence; Linda Lemmon; Lisa Ginsberg; Margerie Sedam; Mike Blauer; Nancy Cook ([REDACTED]); Neal Bosshardt (Redmond Natural); Paul Koehler (Pacific Ethanol); Paul Marsch (Scoular); Reed Gibby; Representative Ken Andrus (kandrus@house.idaho.gov); [REDACTED]; Richard Sellers ([REDACTED]); Rick Waitley ([REDACTED]); Robert King; Robin Fisher; Rocky Mountain Merchandising; Roxanne Rydeen; Sen. Jeff Siddoway ([REDACTED]); [REDACTED]; Stacy Boston (Dynamite); Steve Busby ([REDACTED]); Sue Carlson ([REDACTED]); Terri Richter (CHS); Terry Bradshaw (PRB Feed); Tim Bodine ([REDACTED]); Todd Gearheart (Heiskell); Todd Strayer; Tovey, Pat; Tressa Meenderick; Ty Popplewell (Clear Springs); Wyatt Prescott ([REDACTED])
Cc: Celia R. Gould; Pamela L. Juker; Lloyd Knight; Angela Kaufmann; Melinda Bouldin
Subject: FW: ISDA Commercial Feed Rule - Final Order
Attachments: 20121130102750810.pdf

Good morning-

We have received the Hearing Officer's report regarding Tuesday's Commercial Feed Rule hearing. Attached you will find Director Gould's Order pertaining to the Rule. Please let myself or Lloyd Knight know if you have any questions relating to the Order, which became effective as a Temporary Rule yesterday, November 29th 2012. The Pending and Temporary Rule will be officially published in the January issue of the Administrative Bulletin.

The Idaho State Department of Agriculture appreciates your participation and feedback during the rulemaking process.

Kind regards,

Kathryn Mink
Agriculture Section Manager - Feed, Fertilizer & Seed
Division of Plant Industries
Idaho State Department of Agriculture
(208) 332-8564 office
(208) 334-2283 fax

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LEGAL BUREAU
Idaho State Department of Agriculture

STATE OF IDAHO
DEPARTMENT OF AGRICULTURE

In Re:)
) Docket No. 02-0602-1201
RULES PERTAINING TO THE IDAHO)
COMMERCIAL FEED LAW.) **DECISION AND ORDER**
)

THIS MATTER came up for hearing before Karl D. Vogt, Hearing Officer, on November 27, 2012, at 2:00 p.m. in Boise, Idaho. The Hearing Officer executed his Report on the proposed rule on November 29th, 2012.

I, Celia R. Gould, Director of the Idaho State Department of Agriculture, have considered the Hearing Officer's Report, as well as the Rulemaking Record in this matter. Therefore, being fully advised, I hereby order the following changes to the Pending and Temporary Rule in the above-referenced docket:

1. That IDAPA 02.06.02.011 (Exemptions from Registration) be amended by the addition of the following language:

08. Byproducts or Production Waste. Processing byproducts or production waste, which do not undergo further processing, received by the end user directly from the fuel or food processor, when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code. This may include wet or pressed beet pulp, pea screenings, and beet discard molasses.

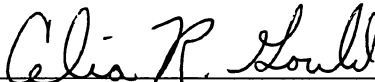
2. That IDAPA 02.06.02.020 (Registration and Fees) in the Pending and Temporary Rule be revised by changing the registration fee from forty-five (\$45) per product to forty (\$40) per product.

3. That IDAPA 02.06.02.020 (Registration and Fees) in the Pending and Temporary Rule be further revised by deleting the following language: "A dedicated fund balance of not more than one million dollars (\$1,000,000) will be maintained. The registration fee will be reduced or increased by the Department in order to maintain this balance."

WHEREFORE, IT IS HEREBY ORDERED that the Idaho State Department of Agriculture adopt the pending Rules Pertaining to the Idaho Commercial Feed Law as set forth in Docket No. 02-0602-1201, and as amended above, pending review by the Idaho Legislature.

DATED this 29th day of November, 2012.

IDAHO STATE DEPARTMENT OF AGRICULTURE



Celia R. Gould, Director

Melinda Bouldin

From: Brian Oakey
Sent: Wednesday, November 28, 2012 2:39 PM
To: Angela Kaufmann; Melinda Bouldin
Subject: FW: Simplot Comments on the Commercial Feed Rule
Attachments: CommercialFeedRule--Comments--Final--11-28-12.pdf

fyi

From: Williams, Dedra [mailto:dedra.williams@agri.idaho.gov]
Sent: Wednesday, November 28, 2012 2:06 PM
To: cecia.gould@agri.idaho.gov
Cc: Dunn, Mark; Parks, Ron; Holcombe, Craig; Lloyd Knight; Brian Oakey
Subject: Simplot Comments on the Commercial Feed Rule

Good afternoon Ms. Gould,

Please accept the attached comments from the J.R. Simplot Company regarding the Commercial Feed Rule. I will send the original copy to you via certified mail.

Thank you,

Dedra



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

November 28, 2012

SENT VIA EMAIL TO: [REDACTED]
ORIGINAL TO FOLLOW VIA CERTIFIED MAIL #7009 0080 0001 0391 6914
RETURN RECEIPT REQUESTED

Ms. Celia R. Gould
Director, Idaho Department of Agriculture
P.O. Box 790
Boise, ID 83701-0790


Dear Director Gould:

The J.R. Simplot Company (Simplot) appreciated the opportunity to provide comments to the Department at the hearing held on November 27 on the proposed Commercial Feed regulation. As we stated in our comments on November 27, clarification is needed to specify which minerals are exempt from registration. Clarifying questions for the Department to consider are:

- Nutritionists and manufacturers provide or sell mineral packages to feed manufacturing plants and in turn the plants use this product in the nutritionist's customers custom finished feed for one or several end users. Is feed containing this mineral package a custom feed? If the mineral package is sold to the manufacturer and then the resulting feed is sold to several end users, is this a commercial feed?
- If a local manufacturer packages a premix that is only used in-house to complete and produce a commercial or custom feed product, does this premix package need to be registered? [Note such a "package" is similar to the "nutritionists" mineral package.]
- Does the statement "Minerals. Individual mineral substances when not mixed with another material" refer to each individual ingredient used in the mixing of commercial feeds needs to be registered by the commercial feed manufacturer? Do these ingredients need to be registered for Customer Formula Fee?
- If the purpose of the rule to provide to protection to the consumer, regardless of volume purchased, why only register commercial feeds?

Please contact me at 208.389.7365 if you would like to discuss further these questions.

Sincerely,


Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

J.R. Simplot Company Comments
on Commercial Feed Rule

C:

Lloyd Knight, Idaho Department of Agriculture
Brian Oakey, Idaho Department of Agriculture
Mark Dunn, J.R. Simplot Company
Craig Holcombe, J.R. Simplot Company
Ron Parks, J.R. Simplot Company